

Serial No.: 09/905,679

REMARKS

Status Summary

Claims 8 and 25-107 are pending in the present application. Claims 35-37, 39, 40, 45, 54, 57, and 77 are objected to as being dependent upon rejected claims. Claims 25-34, 38, 41-53, 55, 56, 58-76, and 78-82 presently stand rejected. Claims 8 and 83-107 are objected to as being directed toward non-elected subject matter.

Claim Amendments

The Official Action indicates that Claims 8 and 83-107 are directed to non-elected subject matter and have been withdrawn from consideration. Accordingly, upon entry of this amendment, Claims 8 and 83-107 would be canceled.

Claims 25-34, 38, 41-53, 55, 56, 58-76, and 78-82 stand rejected. Accordingly, upon entry of this amendment, these claims would be canceled.

Claims 35-37, 39, 40, 45, 54, 57, and 77 were objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims. Accordingly, upon entry of this amendment, Claims 35, 45, 54, 57, and 77 would be rewritten in independent form. Claims 54 and 57 would also be amended for the purposes of clarity. Claims 36, 37, 39, and 40 ultimately depend from Claim 35 and would be allowable based on the allowability of Claim 35.

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Claims 54 and 57 would also be amended for the purposes of clarity. In particular, paragraph (d) of Claims 54 and 57 would be amended to recite that the clip feeding member is operatively connected with the yoke and is urged thereby toward the distal end of the actuator assembly during the first and second stages. In addition, Claim 54, paragraph (d), would be amended to positively recite that the yoke has a proximal and a distal end, and that the spring that contacts the clip feeding member biases the clip feeding member toward the distal end of the yoke. It should be emphasized that these amendments were made for the purposes of clarity and not patentability and do not alter, let alone narrow, the scope of the claims.

Claim Rejections under 35 U.S.C. § 112

Claims 33 and 73 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Upon entry of this amendment, these rejections would be rendered moot by the cancellation of these claims.

Claim Rejections under 35 U.S.C. § 102

Claims 25-29, 31-34, 38, 41-44, 46-53, 55, 56, 67-76, and 78-82 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,509,518 to McGarry et al. Upon entry of this amendment, these rejections would be rendered moot by the cancellation of these claims.

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Claim Rejections under 35 U.S.C. § 103

Claims 30 and 58-66 were rejected under 35 U.S.C. § 103 as being obvious over McGarry et al. in view of U.S. Patent Publication No. 2002/0198549 by Sixto Jr. et al. Upon entry of this amendment, these rejections would be rendered moot by the cancellation of these claims.

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CONCLUSION

Upon entry of this amendment, Applicants believe the application would be condition for allowance. Entry and favorable consideration of this amendment is respectfully solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 6-16-04

By: Richard E. Jenkins
Richard E. Jenkins
Registration No. 28,428

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Customer No: 25297